

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

ROSA M. LUGO TORRES, et. al.

Plaintiffs

V.

CIVIL NO. 97-2440 (JAG)

WALTER TORRES MALDONADO, et. al.

Defendants

ORDER

10 On August 27, 2003, defendant Southwestern Consortium (“Consorcio Suroeste”) and other
11 codefendants in this case entered into a settlement agreement (Docket No. 196). In said agreement,
12 the Consorcio Suroeste agreed to pay plaintiffs \$600,000.00. The Court approved the settlement
13 agreement and has retained jurisdiction over the matter until payment is fully satisfied (See Docket
14 No. 199).

15 As of this date, nine (9) out of the ten (10) municipalities that comprise the Consorcio
16 Suroeste have made available to plaintiffs 9/10 of the settlement sum, to wit, \$540,000.00. The
17 Municipality of Maricao, however, has not provided its 1/10 share as of this date. More so, the
18 Consorcio Suroeste does not have any monies to satisfy the remaining sum owed, as its funds are
19 entirely federal grants which cannot be used to satisfy a judgment in a political discrimination case
20 such as this.

P.R. Laws Ann. tit. 21 § 4051 (p) allows municipalities to form a consortium. Once the participating municipalities have approved its creation, the same enjoys separate juridical personality, as would a partnership under the Puerto Rico Civil Code. *Id.*

Pursuant to Articles 1588 and 1589 of the Civil Code, P.R. Laws Ann. tit. 31 § 4371 and
4372, the members of a partnership are jointly and severally liable for the debts incurred by the
partnership which exceed its assets. Asociación de Proprietarios v. Santa Bárbara Co., 112 D.P.R.
33, 49 (1982); In re San Juan Dupont Plaza Hotel Fire Litigation, 687 F. Supp. 716, 722 (D.P.R.
1988). More so, pursuant to Article 1590 of the Code, P.R. Laws Ann. tit 31 § 4373, a creditor may

ATT TO:
USM

1 Civil 97-2440 (JAG)

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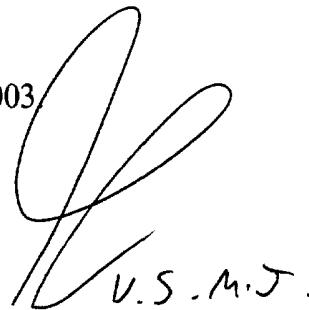
3 attach either a debtor's patrimony or his participation in a partnership. See Torruella Serrallés v.
4 Crédito e Inv. San Miguel, 113 D.P.R. 24, 34 (D.P.R. 1982); In re Torruella Serrallés, 684 F. 2d 170,
5 170 (1st Cir. 1982).

6 Given the above, the Municipality of Maricao is hereby **ORDERED** to deposit in this Court
7 within seven (7) days the sum of \$60,000. The failure to do so shall result in an order of attachment.

8 The U.S. Marshal shall serve copy of this order on the Municipality of Maricao and its
9 Mayor, the Hon. Gilberto Pérez.

10 **SO ORDERED.**

11 In San Juan, Puerto Rico this 18th day of November, 2003



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13 GUSTAVO A. GELPI
14 United States Magistrate-Judge

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